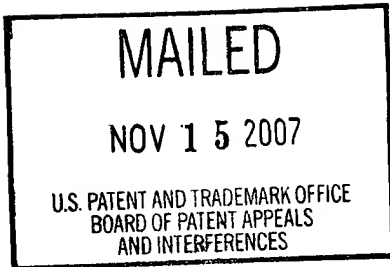


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte DAVID B. MILLER

Application No. 09/995,009

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 3, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Neither the Brief filed September 2, 2005, nor the Amended Brief filed November 30, 2005 have the required Evidence Appendix and Related Proceedings Appendix headings as required under 37 CFR § 1.37(c)(1)(ix) and (x).

Accordingly, it is

ORDERED that the application is returned to the examiner

(i) to notify Appellants of non-compliance of the Brief as noted above and to obtain either a Supplemental Brief or substitute sheet(s) to the Brief with the missing headings and any relevant material thereof. The heading and its relevant material alone will suffice and an entire new Brief need not and should not be submitted.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*

PATRICK J. NOLAN

Deputy Chief Appeals Administrator
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PJN/vsh

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